



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

FS

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,895	08/02/2001	Alison Joan Lennon	169.2140	4521

5514 7590 05/22/2006

FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER
----------

HWANG, JOON H

ART UNIT	PAPER NUMBER
----------	--------------

2166

DATE MAILED: 05/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/919,895

Applicant(s)

LENNON ET AL.

Examiner

Joon H. Hwang

Art Unit

2166

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-62 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-62 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. The applicants amended claims 1, 5, 9, 19, 25, 37, 49, 61, and 62 in the amendment received on 2/21/06.

The claims 1-62 are pending.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1, 19, 25, 37, 49, 61, and 62 have been considered but are moot in view of the new ground(s) of rejection.

The applicants added in claims 1, 19, 25, 37, 49, 61, and 62 the limitations of formulating from the information at least one return request to the metadata server for further descriptions, each return request being in the predetermined request format and formatting the accessed information including links representing the at least one return request. These limitations are addressed in the following rejection.

### ***Claim Objections***

3. Claim 62 is objected to because of the following informalities:

- "copy" in claim 62, line 11, should be "code".

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 61-62 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. "a computer readable medium" in 1<sup>st</sup> line of claim 61 is insufficient to render the claims **tangibly embodied** in a manner so as to be executable. Page 8, lines 7-24, define the media as including both storage media and transmission media. Thus, claim 61 is non-statutory. The same rationale applies to claim 62.

***Claim Rejections - 35 USC § 103***

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 1-12 and 17-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Libert et al. (U.S. Patent No. 6,574,655) in view of Wells (U.S. Patent No. 6,711,586).

With respect to claim 1, Libert discloses a system for associatively managing distributed multimedia assets, wherein the system containing metadata collections, which can be queried, associated with the multimedia assets (abstract, fig. 6, and fig. 8). Libert teaches a metadata server (i.e., a resource broker, fig. 6, fig. 8, lines 20-23 in col. 4, lines 6-9 in col. 5, and lines 43-49 in col. 10) associated with each content provider and operable as a description-generating process for communicating with one or more description-receiving processes (i.e., a user agent, end-user application, fig. 6, fig. 8, lines 13-33 in col. 2, lines 13-18 in col. 5, lines 15-67 in col. 11). Libert teaches the metadata server receiving a request for descriptions from one of the description-

receiving processes (i.e., the user agent) in a predetermined request format (lines 7-10 in col. 3, lines 19-23 in col. 4, lines 52-63 in col. 5, line 46 in col. 6 thru line 3 in col. 7, and lines 14-16 in col.13). Libert teaches interpreting the received request according to the predetermined request format (i.e., the resource broker parsing and converting the received request according to the predetermined request format, line 46 in col. 6 thru line 3 in col. 7 and lines 32-42 in col. 10). Libert teaches accessing the information about multimedia items in the metadata collection of content provider in response to the interpreted request (lines 15-67 in col. 11 and lines 1-17 in col. 12, and lines 14-63 in col. 13). Libert teaches formatting the accessed information as a description according to a predetermined schema, the resulting description containing at least one link (line 47 in col. 6 thru line 3 in col. 7, line 55 in col. 7 thru line 50 in col. 8, and lines 1-57 in col. 12). Libert teaches sending the formatted description to the description-receiving process (lines 14-16 in col. 13). Libert teaches the user agent or the end-user application accessible to and operable by a user, a customer (lines 13-44 in col. 2), and providing the user an interface to access description of multimedia assets generated from multiple metadata servers (lines 4-10 in col. 5 and fig. 2). Libert does not explicitly disclose formulating from the information at least one return request to the metadata server for further descriptions. However, Wells teaches formulating from the information at least one return request to the metadata server for further descriptions, each return request being in the predetermined request format and formatting the accessed information including links representing the at least one return request (i.e., a user selects a "finance" category link, then a server transmits subcategories links, such as

Art Unit: 2166

interest rates, equities, etc., to a user for further descriptions, lines 18-49 in col. 1) in order to provide useful browsable information. Therefore, based on Libert in view of Wells, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teachings of Wells to the system of Libert in order to provide useful browsable information.

With respect to claim 2, Libert teaches each metadata collection is stored in a corresponding database (fig. 6, fig. 8, and lines 11-24 in col. 5).

With respect to claim 3, Libert teaches each metadata collection is stored in structured or semi-structured files (fig. 6, fig. 8, and lines 25-39 in col. 11).

With respect to claim 4, Libert teaches the metadata server identified by a uniform resource identifier (line 55 in col. 7 thru line 50 in col. 8, and lines 30-38 in col. 9).

With respect to claim 5, Libert teaches the request to the metadata server for the descriptions is included in the uniform resource identifier identifying the metadata server (line 60 in col. 10 thru line 14 in col. 11).

With respect to claim 6, Libert teaches the descriptions are in XML (lines 32-42 in col. 10 and line 47 in col. 6 thru line 3 in col. 7).

With respect to claims 7 and 8, Libert teaches the predetermined scheme specifies the structure and syntax of a description by using the XML schema language (line 47 in col. 6 thru line 3 in col. 7).

With respect to claims 9-11, Libert teaches the links have a defined source and target, wherein the link source is an element containing the identity of the link target and

Art Unit: 2166

the link target is represented using a uniform resource locator (line 55 in col. 7 thru line 50 in col. 8).

With respect to claim 12, Libert teaches the link target identifies the same metadata server that generated the link (line 55 in col. 7 thru line 50 in col. 8, line 47 in col. 6 thru line 3 in col. 7, and lines 1-17 in col. 12).

With respect to claim 17, Libert teaches users of the description-receiving processes are presented with an option of following a provided link to a description-generating process, the provided link comprising an advertisement for the user (i.e., an agent answers queries and recommendations about services provided by the other agents in the system to the agent community that includes the user agent, line 47 in col. 6 thru line 3 in col. 7 and line 51 in col. 8 thru line 5 in col. 9).

With respect to claim 18, Libert discloses the resource broker is built by a developer from a resource broker toolkit concerning the metadata server is constructed from a common customizable module and native APIs allowing developers and vendors to integrate their product with the system concerning the module being customized for association with a content provider by an interpreter arranged to translate requests received in the predetermined request format from any description-receiving process into descriptions of the corresponding metadata items of the content provider and to translate the accessed information into the description-format for return to the description-receiving process (line 66 in col. 4 thru line 24 in col. 5 and lines 28-45 in col. 16).

The limitations of claims 19, 61, and 62 are rejected in the analysis of claim 1 above, and these claims are rejected on that basis.

The limitations of claim 20 are rejected in the analysis of claim 13 above, and the claim is rejected on that basis.

With respect to claim 21, Libert teaches a user interface configured for presenting the translated description (metadata) to the user and a login module by which the user may access, for consideration provided to the content provider (search result), at least one multimedia item from the presented description (lines 6-56 in col. 9 and lines 28-45 in col.16).

The limitations of claim 22 are rejected in the analysis of claim 6 above, and the claim is rejected on that basis.

With respect to claim 23, Libert teaches the user interface arranged to reproduce a part of multimedia item (lines 35-44 in col. 2, lines 46-56 in col. 9, lines 43-59 in col. 10, lines 32-57 in col. 12, and lines 28-45 in col. 16).

With respect to claim 24, Libert discloses thumbnail multimedia images (lines 25-29 in col. 2).

The limitations of claims 25-36 are rejected in the analysis of claims 1-12 above, and these claims are rejected on that basis.

The limitations of claims 37-48 are rejected in the analysis of claims 1-12 above, and these claims are rejected on that basis.

The limitations of claims 49-60 are rejected in the analysis of claims 1-12 above, and these claims are rejected on that basis.



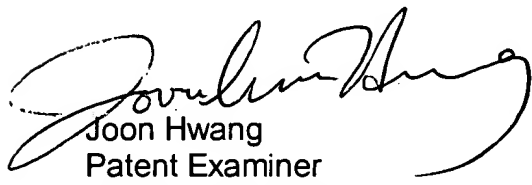
8. Claims 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Libert et al. (U.S. Patent No. 6,574,655) in view of Wells (U.S. Patent No. 6,711,586), and further in view of Ferguson et al. (U.S. Patent No. 5,819,092).

With respect to claims 13-16, Libert and Wells disclose the claimed subject matter as discussed above except monitoring a number of requests made to a metadata server. However, Ferguson discloses a metering tool that monitors a number of requests made to a server and a fee setter that invoices the corresponding content provider for the number of requests (lines 15-23 in col. 12, lines 30-39 and 50-54 in col. 18, line 43 in col. 37 thru line 14 in col. 38, lines 27-59 in col. 30, and line 32-59 in col. 31). Ferguson discloses automatically levying and paying fees according to the fee setter instructions (lines 35-44 in col. 29). Ferguson discloses a charge identification code for the content provider (lines 32-45 in col. 35 and lines 14-63 in col. 36), which is accessed for fee computations. Ferguson discloses the metering tool and the fee setter are programs that provide particular types of functionality to the online service (abstract). Therefore, based on Libert in view of Wells, and further in view of Ferguson, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teachings of Ferguson to the system of Libert in order to install such functionalities provided by the programs for sales and marketing purpose.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joon H. Hwang whose telephone number is 571-272-4036. The examiner can normally be reached on 9:30-6:00(M~F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Joon Hwang  
Patent Examiner  
Technology Center 2100

5/12/06